

REMARKS

Claims 1-12 are pending in this application. By this Amendment, claim 1 is amended for clarity. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments:

(a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because e.g. they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. 35 U.S.C. §103 Rejections

The Office Action rejects claims 1-6, 10 and 11 under 35 U.S.C. §103(a) over U.S. Patent No. 5,313,853 to Olmsted et al. ("Olmsted") in view of U.S. Patent No. 2,104,101 to Rosenbaum; and rejects claims 7-9 and 12 under 35 U.S.C. §103(a) over Olmsted, in view of Rosenbaum, and further in view of U.S. Patent No. 4,519,266 to Reinecke. These rejections are respectfully traversed.

The applied references fail to disclose or suggest that, "the position of the control lever is detected by a sensing technology for generating a control signal," as recited in independent claim 1.

The Office Action alleges that Olmsted discloses this feature because Olmsted discloses, in Fig. 3, a shifter for an automotive transmission to be used in gear shifting that has a shift lever with a tip at its lower end. Olmsted discloses, at column 3, lines 47 to 59 and column 4, lines 7 to 12, that the tip 28 actuates linkage of the transmission for changing a

drive ratio. Olmsted discloses a mechanical connection to the transmission, and not an electric control device that generates a control signal.

Additionally, Olmsted discloses a shift lever mechanically connected to a linkage of a transmission, and does not disclose detecting the position of the lever by a sensing technology for generating a control signal. Olmsted is silent regarding detecting the position of the lever and generating a control signal.

Moreover, Olmsted discloses that gears are shifted by moving the shift lever. The shift lever actuates the transmission via a linkage, to which the shift lever is mechanically coupled. Because the shift lever is mechanically coupled and because actuating forces are well defined, based on the position of the shift stick (control lever), one of ordinary skill in the art would not perceive any need to provide a control signal.

The remaining applied references fail to cure this deficiency of Olmsted. In particular, Rosenbaum and Reinecke are each silent with respect to a sensing technology for detecting the position of a control lever, an electric control device or control signals.

For at least the above reasons, as well as for the reasons discussed in the July 19 Request for Reconsideration, independent claim 1 is patentable. Claims 2-12 are patentable, at least for their dependencies from independent claim 1, as well as for the additional features they recite.

Accordingly, withdrawal of the rejections is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:ETY/tqs

Attachment:

Petition for Extension of Time

Date: August 26, 2010

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